HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1278 (S/S) 2004

Vinod Kumar Gautam S/o Sri Balkrishna,
Presently posted as Assistant Jalagam,
(Formerly Assistant Soil Conservation Officer)
Sub Unit Bhagwanpur,
C/o Office Assistant Director,
Jalagam Prabandh Unit Roorkee
At Landhora,
District – Haridwar. ... Petitioner

Versus

1. State of Uttaranchal through Secretary, Agriculture, Secretariat Complex, Dehradun.
2. Director, Agriculture, Camp – Prem Nagar, Nanda Ki Chawki, Dehradun.
3. Sri Madan Lal, Incharge, Director Agriculture, Camp – Prem Nagar, Nanda ki Chawki, Dehradun.
4. Chandan Singh Mehra, Inquiry Officer, Joint Director, at Camp – Prem Nagar, Nanda ki Chawki, Dehradun.
5. Joint Director, Agriculture, Garhwal Mandal, Pauri, District – Pauri.
6. Assistant Director, Jalagam, Jalagam Prabandhan Unit, Roorkee at Landhora, District – Haridwar.

... Respondents.

Sri Navneet Kaushik Pankaj Miglani, learned counsel for the petitioner.
learned Standing Counsel for respondents no. 1, 2, 5 and 6.

Hon'ble M.M. Ghildiyal

Heard Sri Navneet Kaushik, learned counsel for the petitioner and learned Standing Counsel.

By means of this writ petition, the petitioner has challenged the orders dated 23.06.2004 and 21.09.2004 passed by director, Agriculture Camp Prem Nagar, District Dehradun.

By the impugned order a recovery of Rs. 68,260.00 is sought to be made from the petitioner's salary and further the authorities have been directed not to give the petitioner any responsible work in the Department for three years.

Learned counsel for the petitioner has submitted that he has preferred appeal against the order passed by Director,

Agriculture Camp Prem Nagar, District Dehradun under Rule 11 of the Uttaranchal Government Servant (Discipline and Appeal) Rules 2003. The appeal was filed on 31.07.2004. About four months have been passed but the appeal has yet not been decided and the department has started recovery from the salary of the petitioner.

Since the petitioner has already availed alternative remedy provided under the Rules, it is expedient in the interest of justice that the Authorities may be directed to decide the appeal preferred by the petitioner within six weeks from today and till the decision is taken in the appeal, recovery shall not be made from his salary.

Accordingly, the respondents/authorities are directed to decide the appeal preferred by the petitioner within the period prescribed above, till then no recovery shall be made from his salary.

With these directions the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 17, 2004:
NCM: